

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

ADUGNA DERESSA, Plaintiff, vs. VIAFLEX INC., Defendant.	4:25-CV-04107-KES ORDER DENYING PLAINTIFF'S MOTION TO APPOINT COUNSEL AND NOTICE OF RULE 4(M)
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Plaintiff, Adugna Deressa, filed a pro se lawsuit. Docket 1. This court denied Deressa's motion for leave to proceed in forma pauperis because he had sufficient funds to pay the filing fee. Docket 6. Deressa timely paid the full civil complaint filing fee.

I. Motion to Appoint Counsel

Deressa filed a motion to appoint counsel. Docket 3. "A pro se litigant has no statutory or constitutional right to have counsel appointed in a civil case." *Stevens v. Redwing*, 146 F.3d 538, 546 (8th Cir. 1998). Under 28 U.S.C. § 1915, "[t]he court may request an attorney to represent any person unable to afford counsel." 28 U.S.C. § 1915(e)(1). Because Deressa was denied in forma pauperis status and has not shown that he is unable to afford counsel, his motion to appoint counsel, Docket 3, is denied.

II. Notice of Rule 4(m)

Under Federal Rule of Civil Procedure 4(m),

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.

Deressa is on notice of this court's intention to dismiss this action without prejudice if he does not serve defendant by **September 17, 2025**, pursuant to Rule 4(m), unless Deressa can show good cause for his failure to serve defendant.

Thus, it is ORDERED:

1. That Deressa's motion to appoint counsel, Docket 3, is denied.
2. That Deressa will make proper service of the summons and complaint upon defendant on or before **September 17, 2025**, or the claims against defendant will be dismissed without prejudice pursuant to Rule 4(m), unless Deressa can show good cause for his failure to serve defendant.

Dated July 24, 2025.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER
UNITED STATES DISTRICT JUDGE